App F IX 4

Previous References

1943 Municipalities

File No 96-43

Serial Nos 40, 41

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2 —

Part B for June 1944

SUBJECT

Re: Write off the arrears 5487-8-0 due from the Body stalls as arrears of rent in Blowing — Mrs.

The Municipal Commr Blowing
: Comptroller to report

Lr no 12647-6 dated 21.6.44

Passed on Secs

25/6

Letter No A1 1388-36 Dt 6 3 43 from the ML Comm. Brigs. stating that a sum of Rs 547-8-0 is due from the Bety Stalls as arrears of rent & that the ML Board at their meeting held on 4-2-43 resolved that the amount may be recovered from Mr Syed Hussain the Veterinary Inspector who is responsible for the collection of rent etc,

1) The ML Board at their meeting held on 11-12-42 resolved that the arrears might be surcharged to Mr Syed Hassan, Veterinary Inspector & that the amount be recovered from him

2) From the linked file it is seen that the arrears of Mutton Stall rents are also proposed to be recovered from him. Further information called for from the ML Comm is awaited

CHS 21/3

3) The Veterinary Inspector referred to in this case is the same person as the one mentioned in connection with the linked file arrears of mutton stall rents. Some further information has been called for about this office. The ML Comm may be reminded to send the same without further delay. PI 5/3

Reminded in the connected file

4) A short note may please be put up in the connected file 24/3/43 31/3/43

5) A statement showing the arrears of rent was due from the Booth Stall Holder in proposal was placed before the meeting of the Committee The Meeting, at their meeting held on 11-12-42 decided that the arrears might be written off and that the amount be recovered from the said

6) Noted with reference to Para 4 supra

7) The arrears due from 12 individuals on account of the Booth rent amount to Rs. 54.7/8/- Covering the period from Feby 1936 upto the end of June 1936

8) It will be seen from the records that this amount represents the daily rent at Re 1/- per day fee levied on the persons who occupied the ground near the slaughter house for the purpose of the mutton mutton market during the season. The levy is not authorised by any rule or by-law framed by the Govt or by any subsequent order The levy is based on the Comm's order dated 8.5.35

9) Action has been taken against the defaulters by the issue of Writs but they have protested on the ground that no Tolls were constructed for them. The demand was not therefore barred after 1936-37 Writ it seems has been withdrawn & fresh notices issued stating that the claim could not be claimed as a matter of right as no tolls were provided to the Body's sellers and that it may be considered as a non-existing demand

10) Having regard to the fact that it is not a very amount by the Govt or by a Body other than by the Govt and the period that has elapsed (Feby/1930 to June/38) and that ~~in spite of the fact~~ that the amount could not be recovered in spite of action having been taken, there seems to be no alternative except to write off the amount in question. The Comptroller may perhaps be consulted in the matter.

11) If however, it is considered necessary to surcharge the Katerina Inspector in respect thereof for the above amount, the procedure prescribed under the Law will have to be observed by referring the matter to the Dept

WD 1140—GPB—50 000—5-11-42

Arrears of Boly Stall rents B cls

Continuation Sheet 4 File No / Current No of Page

SECY LAW DEPT 13876 21 APR 43 GOVT OF MYSORE

Cimmr Bldgs Dirs. Forwarded

Law dept Lr 1915 Mng

12) As may be done

Ans 20-5-43

Spl LAP & 24/5/43

13) Forwarded with compliments to the Secretariat for the Govt of Mysore for information in regard to the writing off of the amount in question and the result of the action taken

Annexure

for sec to Govt Law dept

No 274/42-43 dt 20/5/43 from C L A D

OFFICE OF THE FULLER'S OFFICE C L A D - 5 MAY 1943 769/Spl SPECIAL SECTION

108/cvvp

Re 747/Spl dated 17-6-43 24/5/43 Law dept

U O No 507/C L A D Dated, the 14th June 1943

14) Returned with compliments --

15) The levy relates to the period August 1928 to June 1936. Para 13, page 153 of the Kanada Byelaw book in force at the time prescribes the rate of ground rent It does not appear to be correct to assume now, that the levy was not an authorised one. The rate charged is Re. 0-0-6 against Re. 0-0-3 noted here There must be some subsequent authority for this increase The Byelaw in force at present. however, prescribes a minimum rate of 0-0-6

16) 2 The levy having been authorised and the Municipal Council having with a due appreciation of their responsibility, decided to recover the amount from the Veterinary Inspector, the question of writing off the amount does not arise There is no information on record, if any Departmental investiga-

5434 f 5

Comptroller's Office | File No | of 194

Serial No

investigation was conducted to find out if, (as in the case of Bowringpet Municipality, recently,) amounts were collected and not brought to account at all, since it is not a normal policy of the Executive and Supervisory staff to permit unlicensed sales or their continuance for months and months without any payment

17) 3 There is another point incidentally requiring suitable notice It is the discontinuance of the levy from Ist July 1936 to 23-4-41 The file shows that this discontinuance was at the instance of the then Revenue Officer Mr M Basith, who is stated to have remarked on 21-9-1937 in the rent Register, that the rent need not be taken to demand from 1936-37. The Municipal Council rightly questioned his action and called for a report.— Vide Resolution of 24-1-1939 What action was taken to pursue this point and what decision was arrived at is not clear The Municipal Commissioner again ordered the levy on 18-5-1939 There was delay in giving effect to this also The Municipality has, through the unwarranted action of one of its officers lost not an inconsiderable amount of revenue, the extent of which cannot be readily ascertained

COMPTROLLER

SD 15/6/43

Acs 17-6-43 DSP calling for urgent rep to above

SECY LA D 1479 21 JUN 1943 GOVT OF H

NOTE-Copies ... PING SECTION 23 JUNE 1943

18) Sent with a draft letter for DSP 17/6/43 Jan 18/6

Acs 18/6/43

19) Issued 22-6-43 23/6/43

5434 of 42 V 6074

ML File No of 1942-43. Comptroller's Office

Serial No

To the ML Comm, Bcly thro' Govt
No L12496 Dy 24-6-43.
Requests him to furnish
information on certain points

Secs A 24/6

Letter No A1. 1308/38 Dy 24-3-44
from the ML comm, Bcly forwarding
a report on the several points raised
by the Comptroller
2d
Subject of above the file will be sent
to the Comptroller with reference
to Paras 15-17 supra
ULC
2/4

21) Forwarded with compliments
to the Comptroller the report of Mysore
for information remarks in the
light of the report now furnished
by the Municipal Comm vide
Govt memorandum No.
dated 8-4-44 Govt Secy

Dy Secy to Govt
Local Deptt

958/8pl 10/4/44

U.O No 322/CLAD dated the 8th May 1944

22) 1 Returned with Compliments -

23) 2 As already indicated in para 1 of my U O reply No 507/CLAD dated 14/16-6-43 the levy of ground rent is duly authorised as per byelaw. The authority for the increase of the rate from 0-0-3 to 0-0-6 however is not ascertainable from the file

24) Mr Basith, the then Revenue Officer in his explanation dated 23-12-43 asserts that the demand of Rs 547-8-0 under Boty Stall Rent was an

U O No 305
8-4-44
CLAD
8 MAY 1944
915/8pl
SPECIAL SECTION
75/C LA
10 4 44

Comptroller's Office,

5438/42 6074. 7

File No 4 of 1942-43

Serial No 9

erroneous one in as much as the Municipality did not construct any Boty Stalls at that time This construction is evidently based upon a literal interpretation of the incorrect nominclature used viz , "Boty Stall Rent" instead of Ground rent

25) As admitted by Mr Basith himself in his explanation daily collections by issue of tickets could have been arranged for, in which case the Municipality would not have sustained this considerable loss of revenue

26) In view however of the recommendation made by the Municipal Council, sanction may be accorded for the write off, if Government deem fit

M Shamavas
Comptroller

The remarks made by the Comptroller in Paras 23-26 are submitted for perusal and orders.

11/5 The Comptroller's remarks are for perusal. The matter has been examined for more than a year The Board have resolved that the amount of Rs 5478/8/- may be written off the accounts This amount is due from 12 individuals for the period ranging from August 1928 to June 1938. There are also certain legal defects

6074

File No 98/14 of 1943 | Comptroller's Office,

Serial No

in the procedure adopted if it is difficult to enforce the recovery from the individuals concerned in the cases, it is for orders if the amounts may not be written off as recommended by the above mentioned Comptroller Supra Lawsey 1915/43

11803 22 MAY 1944 GOVT

May be written off as recommended by the Comptroller especially as the recovery cannot be enforced now

23/5/44

OFFICE OF THE MINISTER FOR L S G & P H Date 23 5 44 No 8128

Sent with a draft L.G.a for approval

L 12647-8 By 21/6/44

TYPING 20 JUNE 1944 GEN & REV SE

BANGALORE CITY MUNICIPALITY

No A1-1388-38 MUNICIPAL OFFICES,

Encl one file Bangalore 6th March 194 3

SECRETARIAT REV SECRETARIAT 11 MAR 1943 LSG BRANCH

FROM P Suryanarayana Setti, Esq , B A , LL B ,
~~ABDULAZIZ KHAN ESQ I E S~~
MUNICIPAL COMMISSIONER
Bangalore City

10/3/43

To

C Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW DEPARTMENT, BANGALORE

SIR,

I have the honour to state that the Boty Stall rent arrears amounting to Rs 547-8-0 as noted in the margin, were outstanding for consideration before the Managing Committee on 19-3-1942 They resolved that the arrears might be written off and that the Commissioner should send a report to the Committee, fixing the responsibility for the accumulation and non-collection of the arrears in question This resolution was approved by the Municipal Council on 20-4-1942 It as reported by the Revenue Officer that Mr Syed Hussain, the Veterinary Inspector was the official responsible for the non-recovery of these arrears and that he has stated in his explanation that he(Veterinary Inspector) could not recover the arrears as the Boty Sellers vehemently protested to pay the rent as no stalls were constructed This report was placed before the Managing Committee at their meeting held on 11-12-1942 who have resolved that the arrears might be surcharged to Mr Syed Hussain, Veterinary Inspector and that the amount be recovered from him

	Name of the Defaulter	Arrears	Period to which the dues relate	
1	Abdul Azeez	57-12-0	from Feb 30 to June 36	
2	Habuman Bi	54-12-0	June30 "	
3	Abdul Ravoof	71- 4-0	Aug 28 "	
4	Mohamed Yusuff	64- 8-0	May 29 "	
5	Abdul Sattar	54- 0-0	July 30 "	
6	Meeram Bi	15-12-0	Oct 34 "	
7	K Abdul Gafoor	22- 8-0	Jan 34 "	
8	Heroji Rao and Yelloji Rao	22- 8-0	Jan 34 "	
9	Babanna	56- 4-0	April 30 "	
10	Mohamed Ismail	64- 8-0	May 29 "	
11	Sabu Bi	34- 8-0	Sept 32 "	
12	Subbosi Rao	29- 4-0	April 33 "	
	Total	547- 8-0		

recovery After protracted correspondence with the Revenue Officer, the matter came up

- -

...hi... inion o... t... ...n... ...co...ittee ...as ...pproved by t... C...unci... ...t th...ir ...eeti... held o... 4-...-1943. A copy o... th... C...uncil ...esolution dated 4-...-1943 wit... the co...rected ...ecords is ...ow... it... submitt...d ...or ...ur ...o...r of orders of the Govern...nt.

I have the ...onour to be,
Sir,
Your ...ost obedient servant,

...ompanied ...ith co...pliments
...bers ...ro... ...ead ...uarters
...n... President

Municipal Commissioner

...t

11

ADJOURNED MANAGING COMMITTEE MEETING DATED 11-12-1942

16 Opinionof the Managing Committee dated 29-6-1942 calling for a list of officials responsible for the accumulation of arrears of boty stall rents Also Revenue Officer's report in the matter

The arrears may be surcharged to Mr Syed Hussain, Veterinary Inspector, and the amount recovered from him

Sd/ Venkataswamy Chetty,
Chairman

"Copy"

Municipal Commissioner

mlt

12

BANGALOR CITY MUNICIPALITY

Proceedings of the Meeting of Council dated 4-2-1943

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65 Opinion of the Managing Committee dated 11-12-1942 that the Dotv Stall arrears may be surcharged to I r Syed Hussain, veterinary Inspector and the amount recovered from him

Resolution - A p p r o v e d

Sd V Y Govindarajulu,
Honorary President

"Copy"

Municipal Commissioner

mlt

6074 L MU 98-43-40

BANGALORE CITY MUNICIPALITY

No A1-1308-38
Encl Two files

MUNICIPAL OFFICES
Bangalore 21st March 1944

FROM

P SURYANARAYANA SETTI, ESQ, B A LL B
MUNICIPAL COMMISSIONER,
Bangalore City

GEN & R V SECRETARIAT 6074 20 MAR 1944

TO

C Narayanaswamy Naidu, Esq , B A , B L ,

SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 12496/M1 dated 24-6-1943, forwarding a copy of the observations made by the Comptroller, regarding the remission of "Boty Stall Rent" arrears, for furnishing information on the points raised by the Comptroller, etc , I have the honour to forward herewith the explanation of Mr M A Basith (now Amildar of the Closepet Taluk, obtained through the Deputy Commissioner, Bangalore District) in the matter together with the two connected files, for favour of perusal and to state as follows -

2 The first observation made by the Comptroller is that it does not appear to be correct to assume now that the levy was not an authorised one In reply to this, Mr Basith has stated that this levy cannot be treated as a legal one for the reasons mentioned in his explanation

3 The second observation made by the Comptroller is that there is no information on record, if any Departmental investigation was conducted to find out if the amounts were collected and not brought to account at all etc ,

Kind reference is invited to the report dated 23-5-1939 by Mr M Narasimiah, the then Revenue Officer (Page 13 in file A) which shows that the defaulters had not at all paid the dues in question and that they never complained as having paid it to anybody Further, the reports made by the Veterinary Inspector from time to time go to show that the

the sellers of Boty protested to pay the rent on the ground that no stall had been constructed

4 The next observation made by the Comptroller is that it is not clear what action was taken to pursue the Council resolution dated 24-1-1939 and what decision was arrived at thereon

It may be stated in this connection that the Revenue Officer reported in his Memo No B8-1693/36-37 dated 22-4-1937 (Page 15 in file "B") that the arrears in question might be written off (The sanction of Council had to be obtained in the matter) Some more particulars were required before the matter was placed for the consideration of the Council The Revenue Officer having been addressed in the matter, he furnished the required particulars on 2-12-1938 The matter was placed before the Managing Committee on 23-12-1938, who wanted further details This resolution of the Managing Committee was approved by the Council on 24-1-1939 The particulars required by the Council were furnished in the Revenue Officer's report No B8-1593/36 dated 21-4-1939 (Page 26 in file "B"). This report was considered by the Council on 13-6-1939, when they authorised the Commissioner to compound the arrears After several attempts made by the Revenue Officer in this behalf, it was reported by him that no compounding of the arrears was possible, as the defaulters protested to pay even a portion of the dues The matter was again placed before the Municipal Council who approved on 20-4-1942, the opinion of the Managing Committee dated 19-3-1942, that the arrears in question might be written off (vide page 15, file B) and further wanted a report, fixing the responsibility for the accumulation and non-collection of the arrears in question Further action taken

taken on this resolution was reported to Government in this Office letter No A1-1388/38 dated 9-3-1943, with reference to which the letter under reply has been received

I have the honour to be,
Sir,
Your most obedient servant,

MUNICIPAL COMMISSIONER

Forwarded with compliments

PRESIDENT-IN-CHARGE

KSM

G R S App F VI—G 2]

SUBJECT

(7)

Agd

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Section Ml

File No 98-43

Serial No 41

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 21/6 194

Signed by Mr C R Rao

Read— Correspondence ending with letter no A1-1308/38 dy 24-3-44 from the Ml Commr Bcig, requesting, in the circumstances stated, ~~that the~~ order in regard to the sum of Rs 547-8-0 ~~due~~ arrears outstanding under the Booty Stall rent in the city for the period from Aug 1928 to June 1936, ~~may be~~ written off the accounts ~~of the Cantt mcpl~~.

2 ~~Two~~ Correspondence ending with ~~his~~ no 958/Spl dy 10.4-44 of the

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ? Shown as

(v) placed at the disposal of the Press ?

(iv) published in the Gazette Kannada Part ?

As resolved by the Ml & ~~Asst~~ or ~~Assistant~~ the

~~Order thereon—No~~

Comptroller on the subject

Order No: d/12647-8

After a careful examination of the records relating to the recovery of Rs 547-8-0 due under the Roof of Stall rent, I am directed to inform Court are satisfied that the amount is irrecoverable and they are accordingly pleased to direct that the said sum be written off the accounts

for Secy to Govt

11/6/41 Law Dept

To The Mil Comm. Bldg thro D.O.B. (L & R)

The Comptroller to Govt.

The M/Lands is requested to see that such miscellaneous demands are brought to account correctly & received promptly, by fixing the responsibility through on the officials concerned

List of Enclosures

Copied by

Examined by

WD 04162—GPB—60 000—23-10-41

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read -

Correspondence ending with letter No.M1.1303/38 dated 21.3.1941, from the Municipal Commissioner, Bangalore City, requesting in the circumstances stated orders in regard to the write off of the sum of Rs 547-8-0 shown as arrears outstanding under the Poty Stall rent in the City for the period from August 1928 to June 1936 as resolved by the Municipal Council on 20.4.1942.

2. Correspondence ending with Un-official No.953/Spl. dated 10.4.1944 of the Comptroller on the subject.

Order No. L 12647-8/and 98-43-41

Dated, Bangalore, the 21 June 1944.

After a careful examination of the records relating to the recovery of Rs. 547-8-0 due under the Poty Stall rent Government are pleased to direct that the amount in question be written off the accounts of the Bangalore City Municipality as irrecoverable. The Municipal Commissioner is requested to see that such miscellaneous demands are brought to account correctly, by fixing the responsibility therefor on the Officers concerned.

for Secretary to Government,
Law Department.

The Municipal Commissioner, Bangalore City with records
" Comptroller to the Government of Mysore

K.L.A.S.